



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE June 16, 2006	CONTACT/PHONE Holly Phipps / 781-1162	APPLICANT Schnabel Trust	FILE NO. SUB2005-00131 COAL 05-00382
SUBJECT Request by Lawrence Schnabel for a Lot Line Adjustment (COAL 05-00382) to adjust the lot lines between two parcels of 57.59 acres and 103.94 acres. The adjustment will result in two parcels 40.09 and 121.54 acres. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located on the south side of El Pomar Drive approximately 6 miles east of Templeton. The site is in the El Pomar planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 05-00382 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption was issued on February 9, 2006.			
LAND USE CATEGORY Agricultural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 033-291-004 and 035	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable.			
LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Subdivision design,			
EXISTING USES: Vineyard, residence under construction			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agricultural / vineyard, grazing, scattered residences East: Agricultural / vineyard, scattered residences South: Agricultural / grazing, almonds West: Residential Rural / scattered residences, vineyard, scattered residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health Agricultural Commissioner, Templeton (water and sewer), Templeton Fire, Cal Trans, RWQCB, Terry Wahler	
TOPOGRAPHY: Moderately sloped	VEGETATION: Vineyard, Grasslands, and scattered oak trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Templeton Fire	ACCEPTANCE DATE: November 18, 2005

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
57.59	40.09
103.94	121.54

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels (APN 033-291-035, Schnabel; APN 033-291-004, Merrill) in order to provide better access to approximately 18 acres of the Schnabel property. This lot line adjustment will configure the parcels to better the agricultural use and will configure the parcels to reflect topography. This area is currently only accessible across a sizeable drainage swale that cuts through the Schnabel property. The proposed lot line adjustment would move the eastern 18 acres to the adjoining Merrill property.

The Merrill's property is currently under an Agricultural Preserve contract. After the proposed lot line adjustment, an additional 17.8 acres of land would be added to the Agricultural Preserve contract which would enhance agricultural preservation from development. The Schnabel parcel is not in an agricultural preserve and contract

Staff comment: This proposed lot line adjustment would be conditioned so that prior to recordation of a parcel map, the Merrill's will need to apply for and add this land to their contract.

The Agricultural Department finds that the proposed configuration of the two parcels has no anticipated adverse impacts to agricultural resources. The Agricultural Department supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment. The Agricultural Department finds that, the proposed parcels are equal to or better than the existing parcels.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent within the range of minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

PLANNING AREA STANDARDS:

El Pomar/Estrella - L.U.O. 22.94.020D

Light and Glare. At the time of application for any land use permit or land division, the applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff comments: This standard is not applicable as this request is for a lot line adjustment.

LEGAL LOT STATUS:

The two lots were legally created a recorded map at a time when that was a legal method of creating lots.

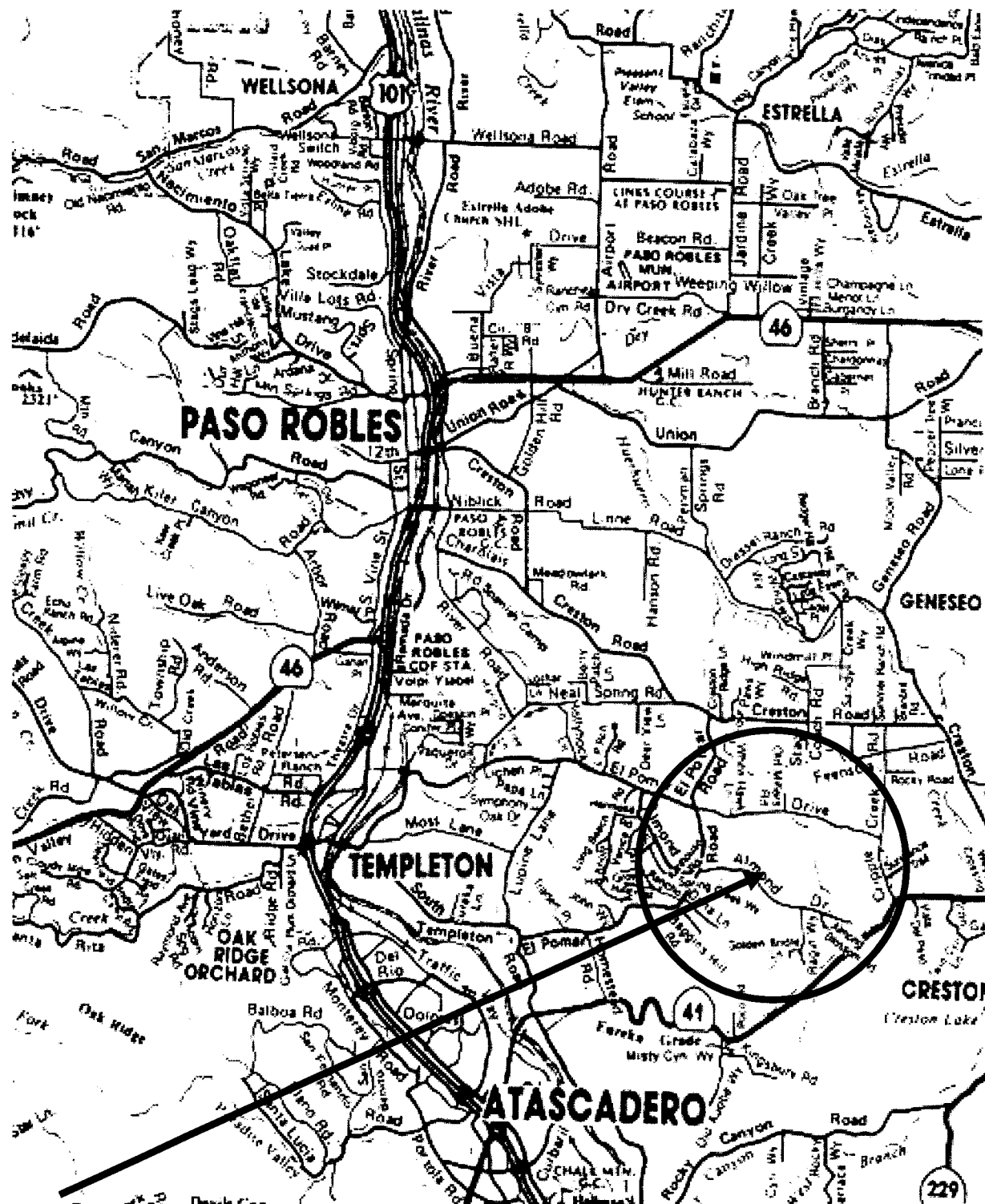
FINDINGS - EXHIBIT A

- A. The proposed lot line adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the two parcels to reflect topography, access and better the potential for agricultural use because the proposed parcel line will allow access to the rear 17.8 acres which access is currently constrained by to the presence of an oak-wooded drainage swale.
- B. The proposed lot adjustment involves contracted land that is owned by Merrill Properties, LLC. that is currently under a Land Conservation Act (Williamson) contract. The Merrills intend to expand the contract to include any additional acreage gained through the lot line adjustment (17.8 acres). After the proposed lot line adjustment, the Schnabel property would only be able to enter a contract by both having at least 20 acres in vineyard use and joining another agricultural preserve. Since, several adjoining properties are under existing preserves, this is not likely to be an issue. The proposed Lot Line Adjustment creates a parcel configuration that is equal to or better than the existing parcel configuration.
- C. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- D. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- E. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15305 because the project is a lot line adjustment on land with average slopes of less than 20 percent that will not result in changes in land use or density.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action.
10. Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment, the 17.8 acres of Assessor Parcel Number 033-291-035 that is being added to Assessor Parcel Number 033-291-004 shall be added to the existing agricultural preserve and contract.

Staff report prepared by Holly Phipps and reviewed by Kami Griffin.



SITE

PROJECT

Lot Line Adjustment
Schnabel SUB2005-00131



EXHIBIT

Vicinity



SITE

PROJECT

Lot Line Adjustment
Schnabel SUB2005-00131



EXHIBIT

Land Use Category

Lot Line Adjustment
Schnabel SUB2005-00131



Site Plan



10

KBN

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

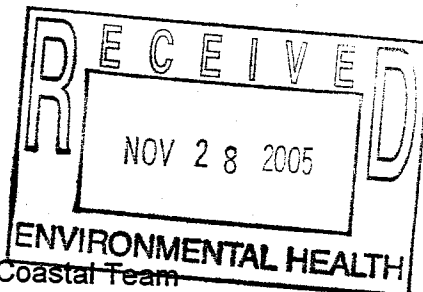
DATE: 11/26/05

TO: Env. Health

FROM: ☐ - South County Team

☒ - North County Team

☐ - Coastal Team



COAL 05-0382

PROJECT DESCRIPTION: File Number: SUB2005-00131 Applicant: Schnabel
2 way LLA located off El Pomar Rd, east of
Templeton. 58.15 acres. APN: 033-241-035

Return this letter with your comments attached no later than: 12/11/05

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☐ YES

(Please go on to PART II.)

☐ NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No concerns at this time.

12/6/05
Date

Laurie Salo
Name

781-5551
Phone



2/16 Consent

10

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 11/26/05

TO:

Karen Nell

FROM: ☐ - South County Team

☒ - North County Team

☐ - Coastal Team

COAL 05-0382

PROJECT DESCRIPTION: File Number: SUB2005-00131 Applicant: Schnabel
2 way LLA located off El Pomar Rd, east of
Templeton. 58.15 acres. APN: 033-291-035

Return this letter with your comments attached no later than: 12/11/05

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES
☐ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Date

Name

Phone

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us

FAX: (805) 781-1242

WEBSITE: <http://www.sloplanning.org>

TAAG approved on Consent 2/16/06 K. Nell



KBN

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 11/26/05

From TO: PW

To FROM: ☐ - South County Team ☒ - North County Team ☐ - Coastal Team

COAL 05-0382

PROJECT DESCRIPTION: File Number: SUB2005-00131 Applicant: Schnabel
2 way LLA located off El Pomar Rd, east of
Templeton. 58.15 acres. APN: 033-291-035

Return this letter with your comments attached no later than: 12/11/05

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No comment.

1/9/06
Date

Jill Ogren
Name

781-5263
Phone



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: January 11, 2006

TO: Karen Nall, Senior Planner

FROM: Michael J. Isensee, Agricultural Resource Specialist. *MJL*

SUBJECT: Schnabel Trust Lot Line Adjustment, Sub2005-00131, Ag Dept #1100

Summary of Findings

The proposed configuration of the two parcels has no anticipated adverse impacts to agricultural resources. The Agriculture Department's review of the proposed Schnabel Lot Line Adjustment (LLA) finds that, the proposed parcels are equal to or better than the existing parcels. The Department recommends that any Land Conservation Act contract issues involving the expansion of the APN 033-291-004 (Merrill) property be addressed concurrently with the proposed LLA.

The County Department of Agriculture supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment, utilizing the agricultural policies of the Agriculture and Open Space Element of the County General Plan and a review of the potential impacts to agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations. Comments and recommendations in this report are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have any additional questions, I can be reached at 781-5753.

INTRODUCTION

The project is located in an area bounded to the north by El Pomar Road, to the east by South El Pomar Road, and to the west by Almond drive. The site is approximately six miles from Templeton. Access to the properties is either via Almond Drive (Schnabel property) or South El Pomar (Merrill property).

The applicant is requesting a lot line adjustment between two parcels (APN 033-291-035, Schnabel; APN 033-291-004, Merrill) in order to provide better access to approximately 18 acres of the Schnabel property. This area is currently only accessible across a sizeable drainage swale that cuts through the Schnabel parcel. The proposed LLA would move the eastern 18 acres to the adjoining Merrill property.

AGRICULTURAL RESOURCES

The proposed LLA is located in an area with a history of agricultural production. This area was once extensively planted with dry-farmed almond orchards. Vineyards have replaced many of these. Both properties are currently intensified with vineyards; the Schnabel property currently has a 14-acre vineyard on the westernmost portion of the site, while the Merrill property contains approximately 44 acres of established vineyard on the northern portion of the site. Both properties are currently in the process of expanding their vineyard acreage.

The Merrill property is currently under a Land Conservation Act (Williamson) contract, limiting uses to those that are compatible with continued agricultural production. The Schnabel property is not under contract. And could not qualify unless 20 acres were planted with a vineyard

The proposed LLA does not involve any prime soils, but the two properties do contain a total of 57 acres of relatively flat Lockwood-Concepción complex, a Soil of Statewide Importance. The proposed LLA would move approximately 2.5 acres of this soil from the Schnabel property to the Merrill property, along with approximately 15 acres of the steeper Lockwood-Concepción soils and Linne-Calodo soils. All of these soils are capable for intensified agricultural use if managed appropriately.

The following table represents the soil acreages on the current and proposed parcels.

SOIL CODE	SOIL NAME & SLOPE	IRR	NON IRR	IRR2	NON2	ACRE*
Schnabel Current						57.3
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	IV	10.3
153	LINNE CALODO COMPLEX, 30-50%	VI	VI	VII	VII	0.4
159	LOCKWOOD-CONCEPCIÓN COMPLEX, 2-9%	II	III	III	IV	11.0
160	LOCKWOOD-CONCEPCIÓN COMPLEX, 9-15%	III	IV	IV	IV	36.0
Merrill Current						103.8
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	IV	52.0
159	LOCKWOOD-CONCEPCIÓN COMPLEX, 2-9%	II	III	III	IV	46.8
160	LOCKWOOD-CONCEPCIÓN COMPLEX, 9-15%	III	IV	IV	IV	5.0
Schnabel Proposed						40.2
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	IV	7.8
153	LINNE CALODO COMPLEX, 30-50%	VI	VI	VII	VII	0.4
159	LOCKWOOD-CONCEPCIÓN COMPLEX, 2-9%	II	III	III	IV	7.2
160	LOCKWOOD-CONCEPCIÓN COMPLEX, 9-15%	III	IV	IV	IV	24.8
Merrill Proposed						121.5
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	IV	63.2
159	LOCKWOOD-CONCEPCIÓN COMPLEX, 2-9%	II	III	III	IV	49.5
160	LOCKWOOD-CONCEPCIÓN COMPLEX, 9-15%	III	IV	IV	IV	8.8

*Acreages are estimated based upon County GIS and soils information from the Natural Resource Conservation Service

EVALUATION

The Agriculture Department evaluates lot line adjustments (LLAs) based on several factors, including 1) the configuration of the property lines, 2) the presence of agriculturally productive soils, 3) the eligibility of the resulting parcels for agricultural preserve contracts, and 4) any other issues creating incompatibility with agriculture. For a LLA to be considered equal to or better than the existing configuration, no factor should worsen when compared to the existing configuration.

1. Configuration: Currently, the Schnabel property does not have easy access to the rear 17.5 acres of the property due to the presence of an oak-wooded drainage swale. The proposed configuration utilizes this topographic feature as a dividing line between the two properties. The topographic separation present on the property makes the steep drainage swale a logical dividing line, especially since the 17.5 acres is easily accessible from the Merrill property. *In this regard the proposed LLA is equal to the existing configuration.*
2. Soils: The proposed configuration reduces the amount of capable soils on the Schnabel site by 17.5 acres, including 2.5 acres of Class II, 3.8 acres of class III, and 11.2 acres of class IV soils. Each of these is capable for vineyard or orchard production. The Schnabel property would retain just over 40 acres of capable soils with approximately 75% of that available for production. The resulting property is likely to remain in agricultural use. *In this regard, the proposed LLA is equal to the existing configuration.*
3. Land Conservation Act: Under the current configuration, if the Schnabel property were to plant vineyard or orchard on at least 40 acres, it could qualify for both a Preserve and Contract. The Merrill property is currently under contract and intends to expand the contract to include any additional acreage gained through a LLA. After the proposed LLA, the Schnabel property would only be able to enter a contract by both having at least 20 acres of a vineyard use and joining another agricultural preserve. Since several adjoining properties are under existing preserves, this is not likely to be an issue. *In this regard, the proposed LLA is equal to the existing configuration.*
4. Other factors: There do not appear to be any other factors for this project site.

February 9, 2006

Per Terry Wahler's review: Prior to finalization of Lot Line Adjustment – the Merrills need to apply for and add this land to their contract. Schnabel parcel is not in contract.